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| <p>RALPH B. WEGIS (SBN: 67966) rwegis@ralphwegis.com LAW OFFICES OF RALPH B. WEGIS 1930 Truxtun Avenue Bakersfield, CA 93301 Telephone: (661) 635-2100 Facsimile: (661) 635-2107 Attorneys for Plaintiff ANTHONY VINEYARDS</p> | <p>JOSHUA N. KASTAN (SBN: 284767) jnk@dkmlawgroup.com DKM LAW GROUP, LLP 535 Pacific Avenue, Suite 101 San Francisco, California 94133 Telephone: (415) 421-1100 Attorneys for Defendant NUTRIEN AG SOLUTIONS, INC.</p> |

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

| | | |
|-------------------------------|---|-----------------------------------|
| ANTHONY VINEYARDS, |) | CASE NO. 1:20-CV-00506-JLT-SAB__ |
| |) | |
| Plaintiff, |) | STIPULATION AND [PROPOSED] |
| |) | ORDER TO CONTINUE PRETRIAL |
| vs. |) | CONFERENCE |
| |) | (Doc. 74) |
| NATURAL PLANT PROTECTION; |) | |
| UPL NA INC.; ARYSTA |) | |
| LIFESCIENCE NORTH AMERICA, |) | |
| LLC and DOES 1-25, Inclusive, |) | |
| |) | |
| Defendants. |) | |

WHEREAS, pursuant to this Court’s Scheduling Order entered July 2, 2020 [ECF No. 12], the Pretrial Conference in this matter is presently scheduled for May 16, 2022 at 8:30 a.m. in Courtroom 4;

1 WHEREAS, Defendants Arysta North America, LLC and UPL NA Inc.'s motions to
2 exclude testimony of Plaintiff's retained expert Gary Osteen and non-retained expert John
3 Kovacevich filed on October 14, 2021 [ECF Nos. 39 and 40] remain under submission for the
4 Court's ruling;

5 WHEREAS, Defendant Nutrien AG Solutions, Inc.'s Rule 12(b)(6) Motion to Dismiss
6 filed on November 4, 2021 [ECF No. 47] remains under submission for the Court's ruling;

7 WHEREAS, Defendants Arysta North America, LLC and UPL NA Inc.'s motion for
8 summary judgment and/or partial summary judgment filed on December 14, 2021 [ECF No.
9 60] remains under submission for the Court's ruling;

10 WHEREAS, Defendant Brandt Consolidated, Inc.'s motion for summary judgment
11 and/or partial summary judgment filed on December 14, 2021 [ECF No. 61] remains under
12 submission for the Court's ruling;

13 WHEREAS, the Court's rulings on the above-referenced motions will inform the
14 parties' respective positions with respect to the matters to be addressed at the Pretrial
15 Conference and may affect the scope of the claims and/or presentation of evidence with
16 respect thereto at trial;

17 THEREFORE, in the interests of judicial economy and efficiency, Plaintiff Anthony
18 Vineyards ("Plaintiff") and Defendants Arysta LifeScience North America, LLC; UPL NA
19 Inc.; Nutrien AG Solutions, Inc.; and Brandt Consolidated, Inc. hereby STIPULATE and agree
20 that the Pretrial Conference currently scheduled for May 16, 2022 be vacated and rescheduled
21 following the Court's rulings on the above-referenced motions.

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1 STIPULATED AND AGREED TO:

2 Dated: April 13, 2022

GORDON REES SCULLY
MANSUKHANI, LLP

3
4 By: /s/ Matthew P. Nugent
P. Gerhardt Zacher
Thomas J. Tobin
Matthew P. Nugent
Attorneys for Defendants
5 ARYSTA LIFESCIENCE NORTH
6 AMERICA, LLC and UPL NA INC.
7

8
9 Dated: April 13, 2022

THE LAW OFFICE OF RALPH B. WEGIS

10 By: /s/ Ralph B. Wegis
(as authorized on April 12, 2022)
Ralph B. Wegis
Attorneys for Plaintiff
11 ANTHONY VINEYARDS
12

13
14 Dated: April 13, 2022

MCCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH, LLP

15 By: /s/ Karen L. Lynch
(as authorized on April 12, 2022)
Attorneys for Defendant BRANDT
16 CONSOLIDATED, INC.
17

18
19 Dated: April 13, 2022

DKM LAW GROUP, LLP

20 By: /s/ Joshua N. Kastan
(as authorized on April 12, 2022)
Attorneys for Defendant NUTRIEN
21 AG SOLUTIONS, INC.
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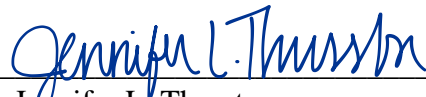
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[PROPOSED] ORDER

Having reviewed the foregoing stipulation of the parties, and finding good cause therefore, the Court orders as follows:

1. The Pretrial Conference scheduled for May 16, 2022 is hereby VACATED; and
2. The Pretrial Conference shall be rescheduled by the Court following the Court's rulings on ECF Nos. 39-40, 47, and 60-61.

Entered this 14th day of April, 2022.



Hon. Jennifer L. Thurston
United States District Judge

Gordon Rees Scully Mansukhani, LLP
101 W. Broadway, Suite 2000
San Diego, CA 92101

CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP, 101 W. Broadway, Suite 2000, San Diego, CA 92101, my electronic mail address is jsilcott@grsm.com. On April 13, 2022, I served the following documents:

**STIPULATION AND [PROPOSED] ORDER TO CONTINUE
PRETRIAL CONFERENCE**

SERVICE LIST MAINTAINED BY ECF

**BY EMAIL TO COUNSEL AT EMAIL ADDRESSES NOTED
BELOW**

- ☒ **BY ELECTRONIC SERVICE THROUGH THE CM/ECF SYSTEM** which automatically generates a Notice of Electronic Filing at the time said document is filed to all CM/ECF Users who have appeared in this case. Service with this NEF constitutes service pursuant to FRCP 5(b)(E).

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Brandt Consolidated, Inc.**

1 Fresno, CA 93720

2 Email: Greg.mason@mccormickbarstow.com

3 Email: karen.lynch@mccormickbarstow.com

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5 I declare under penalty of perjury under the laws of the United States of
6 America that I am employed in the office of a member of the Bar of this Court at
7 whose direction the service was made.

8 Executed on April 13, 2022, at San Diego, California

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11 Jewell Silcott

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